



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 1, 1996

Mr. Don R. Lane
City Attorney
City of Pampa
P.O. Box 2499
Pampa, Texas 79066-2499

OR96-1369

Dear Mr. Lane:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33460.

The City of Pampa (the "city") received a request for information relating to the shooting death of Versie Brown, certain police department procedures, and the personnel files of the officers involved in the shooting. You state that you have released much of the information to the requestor. You contend, however, that the remaining information is excepted from required public disclosure under section 552.103 of the Government Code.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). In this instance you have made the requisite showing that the requested information relates to pending litigation for purposes of section 552.103(a). However, the city may not withhold information deemed public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976). See Open Records Decision No. 597 (1991).

The *Houston Chronicle Publishing Co.* case determined that the following information is public:

A. Police Blotter

1. Arrestee's social security number, name, alias, race, sex, age, occupation, address, police department identification number, and physical condition.
2. Name of arresting officer.
3. Date and time of arrest.
4. Booking information.
5. Charge.
6. Court in which charge is filed.
7. Details of arrest.
8. Notation of any release or transfer.
9. Bonding information.

B. Show-up Sheet (chronological listing of persons arrested during 24-hour period)

1. Arrestee's name, age, police department identification number.
2. Place of arrest.
3. Names of arresting officers.
4. Numbers for statistical purposes relating to modus operandi of those apprehended.

C. Arrest Sheet (similar chronological listing of arrests made during 24-hour period)

1. Arrestee's name, race, and age.
2. Place of arrest.
3. Names of arresting officers.
4. Offense for which suspect arrested.

D. Offense Report --front page

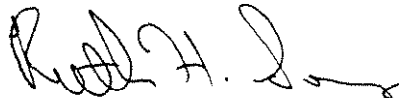
1. Offense committed.
2. Location of crime.
3. Identification and description of complainant.
4. Premises involved.
5. Time of occurrence.
6. Property involved.
7. Vehicle involved.
8. Description of weather.
9. *Detailed description of offense.*
10. Names of investigating officers.

Open Records Decision No. 127 (1976) at 3-4 (emphasis added). We note that the offense report submitted by the city does not contain a detailed description of the offense. If this information appears elsewhere in the police records, it must be released under *Houston Chronicle Publishing Co.* Furthermore, portions of the offense report were redacted with a black marker. If this information is the same type as any of the information listed above, it must also be released. The remaining information requested from the city may be withheld under section 552.103 of the Government Code.

In reaching the conclusion that information may be withheld, however, we assume that the opposing party to the litigation has not previously had access to the records at issue; absent special circumstances, once information has been obtained by all parties to the litigation, for example, through discovery or otherwise, no section 552.103 interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). If the opposing parties in the litigation have seen or had access to any of the information in these records, there would be no justification for now withholding that information from the requestor pursuant to section 552.103. Finally, the applicability of section 552.103 ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/LBC/SAB/ch

Ref: ID# 33460

Enclosures: Submitted documents

cc: Mr. Ed McConnell
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(w/o enclosures)